IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13

LUCINDA KAY FREEMAN

aka Cindy Kay Freeman, : CASE NO. 1:22-bk-02244

Debtor

:

LUCINDA KAY FREEMAN : aka Cindy Kay Freeman, :

Movant :

v

LVNV FUNDING LLC, : OBJECTION TO CLAIM # 1

Respondent/Claimant :

OBJECTION TO PROOF OF CLAIM #1

COMES NOW the Debtor, by and through attorney Dorothy L. Mott, Esquire and makes this Objection to Creditor's claim filed in the above–captioned bankruptcy proceeding, stating in support there of as follows:

- 1. The Debtor filed a Chapter 13 bankruptcy proceeding on 11/21/2022.
- 2. The Respondent, LVNV FUNDING LLC, filed an unsecured claim on or about November 28, 2022 in the amount of \$856.27.
- 3. Federal Rule of Bankruptcy Procedure 3001(c) requires that 'when a claim, or an interest in property of the debtor securing the claim, is based on a writing, the original or a duplicate shall be filed with the proof of claim. If the writing has been lost or damaged, a statement of the circumstances of the loss or destruction shall be filed with the claim.'
- 4. The creditor's claim is based on a writing, and the documents, if any, attached to the proof of claim do not include the original or a copy of such writing, or a statement of the circumstances of the loss or destruction, if any, of the writing.
- 5. Rule 3001(c)(2)(A) requires an itemized statement showing all applicable interest, fees, expenses, and/or charges be filed with the proof of claim.
- 6. Without the required documentation attached to the claim, Debtor's counsel cannot ascertain whether the claim amount is correct and which state's statue of limitations applies.

7. If the applicable statute of limitations is Pennsylvania, then the Respondent's claim is

beyond the statute of limitations for collection.

8. The Debtor believes that the claim is beyond the statute of limitations for collection

and may be overstated, but without further documentation cannot determine the validity of the

claim. The attachment to the proof of claim indicates that the last transaction on the account was

made on October 21, 2017, the last payment on the account was made on April 3, 2018 and the

obligation was charged off on November 28, 2018..

9. The claim should be disallowed because the claim is beyond the statute of limitation

for collections.

WHEREFORE, the Debtor hereby requests that this Honorable Court enter an order

1. Disallowing and dismissing the claim; and

2. Precluding the Claimant from presenting the omitted information as evidence in any contested

matter or adversary proceeding pursuant to Rule 3001(c)(2)(D)(i); and

3. Granting such other relief as this Court deems just.

Respectfully submitted,

/s/ Dorothy L. Mott

Dorothy L. Mott, Esquire Mott & Gendron Law 125 State Street Harrisburg, PA 17101 717.232.6650 Tel 717.232.0477 Fax doriemott@aol.com

Desc

LOCAL BANKRUPTCY FORM 3007-1 IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13

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LVNV FUNDING LLC, :

Respondent/Claimant

:

TO:LVNV FUNDING LLC ("Claimant")

NOTICE OF OBJECTION TO CLAIM AND DEADLINE TO REQUEST HEARING DATE

Lucinda Kay Freeman has filed an objection to the proof of claim you filed in this bankruptcy case.

NOTICE: Your claim may be reduced, modified, or eliminated. You should read this notice and the objection carefully and discuss them with your attorney, if you have one.

If you do not want to the court to enter an order affecting your claim, then on or before 12/29/22, (30 days from the date of service), you or your lawyer must file a request for hearing or a written response to the objection explaining your position.

Those not permitted to file electronically must deliver any request for hearing or response by U.S. mail, courier, overnight/express mail, or in person at: (select the appropriate address)

Ronald Reagan Federal Building 228 Walnut Street Rm 320 Harrisburg, PA 17101

If you mail your request for hearing or response to the court, you must mail it early enough so the court will receive on or before the date stated above.

You must also send a copy of your request for hearing or response to: Dorothy L. Mott, Esquire Mott & Gendron Law 125 State Street Harrisburg, PA 17101 717. 232.6650 Tel 717.232.0476 Fax doriemott@aol.com

If you or your attorney do not take these steps, the court may decide that you do not oppose an order affecting your claim. Attorney for Objector

/s/ Dorothy L. Mott Mott & Gendron Law PA ID: 43568 125 State Street, Harrisburg PA 17101 717. 232.6650 Tel 717.232.0476 Fax doriemott@aol.com

Date of Notice: November 29, 2022

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LVNV FUNDING LLC, : OBJECTION TO CLAIM # 1

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on November 29, 2022, I served a copy of the foregoing document(s) electronically or by placing the same in the United States Mail, First Class, postage pre-paid, addressed as follows on the following parties:

Name and Address	Mode of Service
JACK N. ZAHAROPOULOS	Electronically
STANDING CHAPTER 13 TRUSTEE	
8125 ADAMS DRIVE, STE A	
HUMMELSTOWN, PA 17036	
TWecf@pamd13trustee.com	
LVNV FUNDING LLC	Electronically
RESURGENT CAPITAL SERVICES	
PO BOX 10587	
GREENVILLE, SC 29603-0587	
askbk@resurgent.com	

I certify under penalty of perjury that the foregoing is true and correct.

/s/Dorothy L Mott

Dorothy L Mott, Esquire

Atty ID #43568

Dorothy L. Mott Law Office, LLC

125 State Street Harrisburg, PA 17101 (717) 232–6650 TEL (717) 232-0477 FAX

doriemott@aol.com

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ORDER

UPON CONSIDERATION of the Objection to Proof of Claim filed by the Debtor, it is hereby

ORDERED that the claim of the Respondent is disallowed and dismissed; it is further ORDERED that the Claimant is precluded from presenting the omitted information as evidence in any contested matter or adversary proceeding pursuant to Rule 3001(c)(2)(D)(i)